

REMARKS

Further examination and reconsideration is respectfully requested in view of the claims and the remarks and arguments set forth below. Claims 1 and 36-74 are pending in the instant patent application. Claims 1 and 36-74 are rejected.

CLAIM REJECTIONS – 35 U.S.C. §102(e)

The instant Office Action states that Claims 1 and 36-74 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,996,025 by Day et al. (referred to hereinafter as “Day”). Applicants have reviewed Day and respectfully submit that the embodiments of the present invention as recited in Claims 1 and 36-74 are not anticipated by Day for at least the following rationale.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A method for managing a streaming media service, said method comprising:
receiving a request for a streaming media service from a client, said streaming media service comprising a media service component;
selecting a service location manager to which to provide said request from a plurality of service location managers, said service location manager configured for selecting a service provider from a plurality of service providers;
selecting said service provider to which to assign said media service component from a plurality of service providers of a network;
informing said service provider of said assignment to perform said media service component, causing said service provider to prepare to perform said streaming media service on streaming media;
using information at said service location manager to determine whether to initiate a handoff of said streaming media service from said service provider to another service provider without altering said streaming media service; and if it is determined to initiate said handoff, initiating said handoff to said another service provider such that said streaming media service to said client is not interrupted.

Independent Claims 54 and 61 recite similar embodiments. Furthermore, Claims 36-53 that depend from independent Claim 1, Claims 55-60 that depend from independent Claim 54, and Claims 62-74 that depend from independent Claim 61 also include these embodiments.

MPEP §2131 provides:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). . . . “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Day Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Applicants respectfully submit that Day does not disclose each element of the claimed embodiments in the manner set forth in independent Claims 1, 54 and 61. Applicants respectfully submit that Day at least does not disclose “selecting a service location manager to which to provide said request from a plurality of service location managers, said service location manager configured for selecting a service provider from a plurality of service providers”, “using information at said service location manager to determine whether to initiate a handoff of said streaming media service from said service provider to another service provider without altering said streaming media service” and “if it is determined to initiate said handoff, initiating said handoff to said another service provider such that said streaming media service to said client is not interrupted” as recited in independent Claims 1, and similar recitations of independent Claims 54 and 61.

First, Applicants respectfully submit that Day does not teach, describe or suggest “selecting a service location manager to which to provide said request from a plurality of service location managers, said service location manager configured for selecting a service provider from a plurality of service providers” (emphasis added) as claimed.

Applicants understand Day to disclose that “Data Pump (DP) 164 is provided to control I/O ports for play and record stream types and includes multimedia file system 170” (emphasis added; col. 5, lines 19-21). Moreover, Day recites “[m]ultimedia file system 170 is provided for managing storage of assets such as audio, video, text and graphics files” (col. 5, lines 34-35). Day also discloses that “Stream Connection Management Calls cause control server 40 to select a data pump and its associated networks and device adapters” (emphasis added; col. 6, lines 6-8).

Accordingly, Applicants understand the instant Office Action to assert that data pump 164 of Day anticipates “a service location manager … of a plurality of service location managers” as claimed (instant Office Action; page 2, last line of page) and that multimedia file system 170 of Day anticipates “a service provider from a plurality of service providers” as claimed.

However, Applicants respectfully submit that Day does not disclose a plurality of multimedia file systems 170. In contrast, Applicants respectfully submit that Day discloses a single multimedia file system 170. Therefore, Applicants respectfully submit that Day does not disclose “[t]he identical invention must be shown in as complete detail as is contained in the … claim” (MPEP §2131) as required.

Second, Applicants respectfully submit that Day does not teach, describe or suggest “using information at said service location manager to determine whether to initiate a handoff of said streaming media service from said service provider to another service provider without altering said streaming media service” (emphasis added) as claimed.

As presented above, Applicants understand the instant Office Action to assert that data pump 164 of Day anticipates “a service location manager … of a plurality of service location managers” as claimed (instant Office Action; page 2, last line of page). Moreover, Applicants understand Day to disclose that “FIG. 4 illustrates the logic followed in the present invention when performing admission control” (col. 15, lines 7-8) and FIG. 5 discloses “the load balancing technique of the present invention” (col. 15, lines 32-33). In particular, Applicants submit that Day discloses that the logic of both FIG. 4 and FIG. 5 are executed by control server 40. Specifically, Day recites “[a]t step 400, a new real time stream request is presented to control server 40” (col. 15, lines 18-19) and “[l]oad balancing logic, executed in control server 40 and here depicted, is entered at step 500 when a client issues a resource request” (col. 15, lines 36-39).

Accordingly, Applicants respectfully submit that to be consistent with the assertion that data pump 164 of Day anticipates “a service location manager … of a plurality of service location managers” as claimed, the instant Office Action must disclose that information at data pump 164 is used “to determine whether to initiate a handoff of said streaming media service from said service provider to another service provider without altering said streaming media

service.” However, as noted above, Applicants understand the instant Office Action to assert that control server 40 performs such operations. Therefore, Applicants respectfully submit that the asserted elements of Day are not arranged as required by the claim, as required to support a *prima facie* case of anticipation. Applicants note that no admission has been made that control server 40, in isolation, performs the asserted operation. Applicants simply assert that Day does not disclose data pump 164, relied on as disclosing “a service location manager … of a plurality of service location managers” as claimed, as perform such an operation.

Third, Applicants respectfully submit that Day does not teach, describe or suggest “using information at said service location manager to determine whether to initiate a handoff of said streaming media service from said service provider to another service provider without altering said streaming media service; and if it is determined to initiate said handoff, initiating said handoff to said another service provider such that said streaming media service to said client is not interrupted” (emphasis added) as claimed.

As presented above, Applicants understand Day to disclose that “FIG. 4 illustrates the logic followed in the present invention when performing admission control” (col. 15, lines 7-8) and FIG. 5 discloses “the load balancing technique of the present invention” (col. 15, lines 32-33). In particular, Day discloses that “step 440 includes the reservation of the resources found to be available at the time of the request until service of that request is completed” (col. 15, lines 29-31), “[w]hen a stripe group with sufficient bandwidth is found to exist at step 540, the client request is granted and resources are assigned at block 550” (col. 15, lines 48-49) and “[i]f the request includes a demand for a specific port, and that port is found to be available and to have

sufficient bandwidth at test 580, the client request is granted and resources assigned. Otherwise, the request is rejected” (col. 15, lines 55-59).

In particular, Applicants understand Day to disclose the reservation and assignment of resources. However, Applicants respectfully submit that Day does not disclose determining “whether to initiate a handoff” or “initiating said handoff to said another service provider” as claimed. In contrast, Applicants respectfully submit that Day is silent to initiating a handoff.

Accordingly, Applicants respectfully assert that Day does not anticipate the claimed embodiments of the present invention as recited in independent Claims 1, 54 and 61, that these claims overcome the rejection under 35 U.S.C. § 102(e), and that these claims are thus in a condition for allowance. Therefore, Applicants respectfully submit that Day also does not anticipate the additional claimed features of the present invention as recited in Claims 36-53 that depend from independent Claim 1, Claims 55-60 that depend from independent Claim 54, and Claims 62-74 that depend from independent Claim 61 also overcome the rejection under 35 U.S.C. § 102(e), and are in a condition for allowance as being dependent on an allowable base claim.

CONCLUSION

It is respectfully submitted that the above claims, arguments, and remarks overcome all rejections. For at least the above-presented reasons, it is respectfully submitted that all remaining claims (Claims 1 and 36-74) are in condition for allowance.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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